Hearing Date: No hearing scheduled
Location: <<CourtRoomNumber>>
Judge: Calendar, 8

FILED
11/6/2024 12:00 AM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2019L005521
Calendar, 8
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FILED DATE: 11/6/2024 12:00 AM 2019L005521

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS**
**COUNTY DEPARTMENT, CHANCERY DIVISION**

| | | |
|---|---|---|
| ROBERT GOLDBERG, DDS, | ) | |
| | ) | |
| Plaintiff, | ) | Case No. 2019 L 005521 |
| v. | ) | |
| | ) | Judge Mullen |
| MARY KATHERINE ALBERTI, | ) | |
| | ) | |
| Defendant. | ) | |

**DEFENDANT'S MOTION TO DEEM**
**FIRST SET OF REQUESTS FOR ADMISSIONS ADMITTED**

Defendant, Mary-Katherine Alberti ("Alberti"), by and through her attorneys, pursuant to Supreme Court Rule 216, moves this Court to deem the facts in Defendant's First Set of Requests for Admissions admitted, and in support thereof states as follows:

1. Supreme Court Rule 216(a) provides that "[a] party may serve on any other party a written request for the admission by the latter of truth of any specified relevant fact set forth in the request." Ill. Sup. Ct. Rule 216(a). Rule 216 requires a party served with requests for admission of facts to either (1) admit, (2) deny or set forth reasons why it cannot fully admit or deny the request or (3) object where the request is improper.

2. On August 30, 2024, Plaintiff was served Defendant's First Set of Requests for Admissions. (Exhibit 1). Pursuant to Supreme Court Rule 216(g), the Defendant's Requests to Admit set forth the request on a separate document and included the following prominent warning in 12-point boldface:

> **WARNING: If you fail to serve the response required by Rule 216 within twenty-eight (28) days after you are served with this paper, all the facts set forth in the requests will be deemed as true and all the documents described in the requests will be deemed as genuine.**

3. On September 12, 2024, at Plaintiff's request, Defendant extended Plaintiff thirty

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additional days to respond to the Requests to Admit, bringing the due date to October 30, 2024.

4. Plaintiff failed to meet the October 30, 2024 deadline to answer the requests to admit.

5. As a result, pursuant to Illinois Supreme Court Rule 216, the facts set forth in Defendant's Requests to Admit are deemed admitted as of October 30, 2024 due to Plaintiff's failure to timely serve his response. They are deemed "judicial admissions which cannot later be controverted by any contradictory evidence." *Robertson v. Sky Chefs*, 344 Ill.App.3d 196, 199 (1st Dist. 2003). These admissions are effective not only at trial but also at the summary judgment phase of litigation. *Ellis v. American Family Mutual Insurance*, 322 Ill.App.3d 1006, 1010 (4th Dist. 2001).

WHEREFORE, Defendant, Mary-Katherine Alberti, respectfully requests that this Court deem Defendant's First Set of Requests for Admissions to be admitted.

MARY-KATHERINE ALBERTI

By: /s/ James K. Borcia
One of Her Attorneys

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